



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)	
Schmidt, Brian K.)	Group Art Unit: 2155
Application No: 09/765,886)	Examiner: Bruckart, Benjamin R.
)	Atty. Docket No: SUNMP586
)	(Prev. 0007056-060/P5320/BBC)
Filed: January 18, 2001)	Date: December 27, 2005
For: Method And Apparatus For Aggregate)	
Resource Management of Active)	
Computing Environments)	

CERTIFICATE OF MAILING

12/30/2005 FHETEKI1 00000008 09765886

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **December 27, 2005**.

Signed:

Cynthia Dawn
Cynthia Dawn

TERMINAL DISCLAIMER UNDER 37 C. F. R. § 1.321 TO OBVIATE A
NON-STATUTORY DOUBLE PATENTING REJECTION

Mail Stop: Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner(s), Sun Microsystems, Inc., of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior United States Patent No. 6,944,860 (hereafter "prior patent"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior


patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued or is in any matter terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. SUNMP586).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


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